

### **REMARKS**

In the final Office Action, the drawings and specification were objected to, and claim 6 was objected to for informalities. In addition, claims 5 and 9 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,589,672 to Uchida et al. ("Uchida et al."). In addition, claims 5, 6, 8 and 9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,703,575 to Yamamoto ("Yamamoto"). Claim 7 was deemed to be drawn to allowable subject matter.

A response to the final Office Action was filed on August 29, 2007, addressing each of the objections and rejections.

On September 13, 2007 an Advisory Action was mailed indicating the amendments in the Response to final Office action would be entered, that the response had overcome the objections, but that the response did not succeed in overcoming the anticipation rejections of claims 5-9.

Applicants submit this Preliminary Amendment and Supplemental Response to Final together with a Request for Continued Examination, which further amends the claims. In this Response, claims 15, 6, and 9 have been amended. Reconsideration based on the amendments and accompanying remarks is respectfully requested.

#### **Rejections Under 35 U.S.C. § 102**

Claims 5 and 9 were rejected under 35 U.S.C. § 102(b) as being anticipated by Uchida et al. Claims 5, 6, 8 and 9 were rejected under 35 U.S.C. § 102(b) as being anticipated by Yamamoto.

Uchida et al. describes a circuit breaker with an arc quenching device in the form of a plurality of grids 2 mounted to an insulation partition 22. See Fig. 14. "Pressing partitions of the insulation partition 22 press the end surfaces of the grids 2 and fix the grids 2.

Yamamoto describes an arc extinguishing system for a contact switching apparatus that includes a plurality of arc extinguishing grid plates 7.

Independent claim 5 has been amended to recite an electrical switching device that include two sets of guide and retaining elements. Specifically, claim 5 recites that the guide and retaining elements include "stack guide and retaining elements configured to guide and retain the arc splitter stack and plate guide and retaining elements configured to guide and retain the cooling plate."

Similarly, independent claim 9 has been amended to recite that the housing guide and retaining elements and the cover guide and retaining elements include “both cooling plate guide and retaining elements configured to guide and retain the cooling plate and arc splitter stack retaining elements configured to guide and retain the arc splitter stack.”

Support for the changes to claims 5 and 9 is found in the original specification, for example, at paragraphs [0016] and [0017], elements 12, 26, 28, and 30. See also paragraph [0008]. Thus, the present invention enables production of switching devices that are otherwise identical in design that can optionally be equipped with arc-quenching devices in the form of cooling plates or in the form of arc splitter stack plates. See paragraph [0007].

Applicants respectfully submit that neither Uchida et al. nor Yamamoto describes an electrical switching device that includes an arc quenching device that is either a cooling plate or an arc splitter stack, wherein the cooling plate and arc splitter stacks are interchangeable, and in addition, two sets of separate guide and retaining elements, wherein one set is configured to guide and retain an arc splitter stack and the other set configured to guide and retain a cooling plate.

With respect to Uchida et al., the Examiner has deemed the plurality of grids 2 to correspond to an arc splitter stack and the insulation partition 22 to correspond to the cooling plate. Applicants submit that the insulation partition cannot be a cooling plate as that term is properly understood by a person of ordinary skill in the art in light of the specification. A cooling plate is shown, for example in Figs. 1-3 as element 16. The Uchida et al. insulation partition 22 has nothing to do with cooling an arc, but instead “blocks movement of an arc gas generated in the insulator 14 to a switching mechanism, and prevents false operation of the switching mechanism and reduction of the insulation strength by attaching of melted metals or the contacts and etc.” Uchida et al. column 9, lines 19-24. Further, the grids 2 and partition 22 are disposed cooperatively in the circuit breaker and therefore cannot be interchangeable with each other. “The pressing projections 22f of the insulation partition 22 press the end surfaces of the grids 2 and fix the grids” (Uchida et al., column 9, lines 59-61). Thus, the insulation partition 22 and grids 2 are not interchangeable. Finally, there is no description of two sets of guide and retaining elements, one set configured to guide and retain an arc splitter stack and a second set configured to guide and retain a cooling plate.

With respect to Yamamoto, the Examiner has deemed the guide and retaining elements to be elements 6a, 20a, and b "for both insertable cooling plates [7 plates nest to the contacts] and arc splitter plate [7, remaining plates] stack. Final Office Action at page 5. However, Yamamoto does not describe separate sets of guide and retainer elements, with one set configured to guide and retain the cooling plate, and another set configured to guide and retain the arc splitter stack. Nor does Yamamoto an electrical switching device having an arc quenching device that is alternatively, one of an arc splitter stack and a cooling plate, wherein the two are interchangeable. The plates identified by the Examiner are not interchangeable, since there is no description in Yamamoto that one is capable of being used in place of the other.

Withdrawal of the rejection to claims 5, 6, 8, and 9 under 35 U.S.C. §102(b) is respectfully requested.

**Allowable Subject Matter**

Claim 7 was deemed to be drawn to allowable subject matter.

Applicants have added new independent claim 10, which includes all of the features of previous claim 7, including the features of previous claim 5.

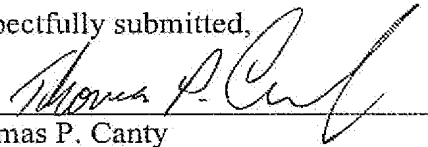
It is respectfully submitted that claim 10 is in condition for allowance.

### CONCLUSION

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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